



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/765,772

01/19/2001

Rodney M. Goodman

06618/581001/CIT-3154

9796

20985

7590

04/27/2004

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

CHANG, JON CARLTON

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,772

Applicant(s)

GOODMAN ET AL.

Examiner

Jon Chang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-16,18-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,15,16,18-20,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Applicant's Amendment and Arguments

1. The Amendment filed February 17, 2004, has been entered and made of record.

Applicant's arguments on page 8 have been fully considered, but are not persuasive for at least the following reasons. Applicant has amended claim 1 so that it now recites, "...determining candidate features within the word, determining areas of higher entropy and lower entropy, and determining and [sic] locations of said candidate features with the word." Applicant alleges that the claim has been amended to use "the exact language from page 22." Applicant states that specifically, the language includes:

- 1) determining candidate features within the word
- 2) separating the information into parts of high entropy and lower entropy
- 3) locations in the word where these points exist.

Upon analysis of page 22, the Examiner notes that the exact language of page 22 is not being used in the claim. While the claims do not need to use the exact language of the detail description portion of the specification, the specification does need to provide support for the claims.

Item 1), "determining candidate features within the word", is in the claim, and is generally discussed on page 22, at lines 7-12 of the specification. Specifically, lines 10-12 state, "The output of the combine and reduce module is therefore classed into candidate features forming a two-dimensional feature vector shown as 960." The Examiner notes here that 960 is not shown as a "two-dimensional feature vector" in Fig.9, but rather it is shown as a "position detector." However, the text would have been understood by one of ordinary skill in the art.

Item 2), "separating the information into parts of high entropy and lower entropy," is partially supported on page 22, at lines 7-9 of the specification (the exact language of the specification uses "low entropy" rather than "lower entropy") is not present in the claim. The claim reads, "determining areas of higher entropy and lower entropy." The Examiner considers, "separating information into parts..." to be different in meaning from "determining areas of..." Further, it has not been established that "higher entropy" is equivalent to "high entropy" and "lower entropy" equivalent to "low entropy." The Examiner notes that something could be "higher" and yet still be low. To avoid any ambiguity, the Examiner suggests that "high entropy" and "low entropy," as described in the specification, be used in the claims.

Item 3), "locations wherein the word where these points exist" is found in the claim's "determining and [sic] locations of said candidate features within the word," and is generally supported in the specification on page 23, at lines 1-3.

Additionally, the Examiner wishes to point out that claim 1 appears to indicate that "determining candidate features within the word," "determining areas of higher entropy and lower entropy," and "determining locations of said candidate features within the word," are separate, distinct steps. However, the specification (note page 22, starting at line 7, and Fig.9), seems to indicate that the "separating" step results in the candidate features, and the "determining locations" step is a separate step. In other words, there are only two separate steps, the result of the first one being the classification of candidate features.

The conclusion is therefore that claim 1 is not supported by the specification.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

1) "higher" and "lower" are relative terms. There is no reference within the claim by which "higher" and "lower" can be determined.

2) "and" before "locations" renders the language ungrammatical.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1, 3, 5-8 and 10-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites, "determining candidate features within the word, determining areas of higher entropy and lower entropy, and determining and locations of said candidate features within the word." This is not supported by the original disclosure. Specifically, "determining areas of higher entropy and lower entropy" is not supported. The specification only indicates that the invention "separates the information into parts of high entropy and low entropy" (page 22, lines 8-9). Additionally, claim 1 appears to indicate that "determining candidate features within the word," "determining areas of higher entropy and lower entropy," and "determining locations of said candidate features within the word," are separate, distinct steps. However, the specification (note page 22,

starting at line 7, and Fig.9), seems to indicate that the "separating" step results in the candidate features, and the "determining locations" step is a separate step after classification of the candidate features.

Claims 3, 5-8 and 10-14 depend from claim 1.

Allowable Subject Matter

4. Claims 9, 15-16, 18-20 and 22-23 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 2623

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (703)305-8439. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jon Chang
Primary Examiner
Art Unit 2623

Jon Chang
April 26, 2004